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8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

10	CENTER FOR BIOLOGICAL DIVERSITY, )	Case No. 07-CV-2380 (JM AJB)
11	)	
12	Plaintiff, )	<b>DECLARATION OF DAVID P.</b>
13	v. )	<b>HUBBARD IN SUPPORT OF THE</b>
14	UNITED STATES FISH AND WILDLIFE )	<b>NEWHALL LAND AND FARMING</b>
15	SERVICE and DIRK KEMPTHORNE, )	<b>COMPANY'S MOTION TO</b>
16	Secretary of the Interior )	<b>INTERVENE AS REAL PARTY-</b>
17	)	<b>INTERVENOR</b>
18	THE NEWHALL LAND AND FARMING )	
19	COMPANY, )	
20	Real Party-Intervenor. )	Date: April 25, 2008
21	)	Time: 1:30 p.m.
22		Place: Courtroom 16
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**DECLARATION OF DAVID P. HUBBARD**

I, David P. Hubbard, declare as follows:

1. I am an attorney licensed to practice before all courts in the State of California and in United States District Court for the Southern District of California. I am a partner at the firm of Gatzke Dillon & Ballance LLP, counsel for proposed Real Party-Intervenor, The Newhall Land and Farming Company ("Newhall"), in the captioned action. This declaration is submitted in support of Newhall's motion to intervene. I have personal knowledge of the facts set forth below, and can competently testify to the facts herein.

2. In February 2008, after learning of the pending litigation in this action, I telephoned Meredith Flax of the U.S. Department of Justice, counsel for defendants, U.S. Fish and Wildlife Service ("FWS") and Secretary of the Interior, Dirk Kempthorne, to convey to her Newhall's intent to move for intervention. Ms. Flax expressed no opposition to Newhall's intervention in this action.

3. Additionally, during the week of February 11, 2008, my co-counsel, Mark Dillon, and I telephoned Lisa Belenky and John Buse, counsel for plaintiff, Center for Biological Diversity. We stated that we represented Newhall, and described Newhall's property interests that are potentially affected by this action. We informed them that Newhall intended to intervene in this action. On February 21, 2008, I prepared a letter memorializing the communications Mark Dillon and I had with plaintiff's counsel. A true and correct copy of that letter, dated February 21, 2008 is attached hereto as Exhibit "A." In response to that letter, counsel for plaintiff stated they would not oppose Newhall's intervention, provided such intervention was limited to issues of injunctive relief and other related remedies.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct, and that my declaration was executed on March 19, 2008, at Carlsbad, California.  
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4 /s/ David P. Hubbard

David P. Hubbard  
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